

**New York Southern District
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:04-cv-06054-BSJ-KNF**

The City of New York v. Abbott Laboratories, Inc.
Assigned to: Judge Barbara S. Jones
Referred to: Magistrate Judge Kevin Nathaniel Fox
Cause: 42:1396 - Tort Negligence

Date Filed: 08/04/2004
Jury Demand: Plaintiff
Nature of Suit: 890 Other
Statutory Actions
Jurisdiction: Federal Question

Plaintiff

The City of New York

represented by **Aaron D. Hovan**

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V.

Defendant

Abbott Laboratories, Inc.

Alcon Laboratories, Inc.

Allergan, Inc.

Alpharma, Inc.

Amgen, Inc.

Andrx Corp.

**Astrazeneca Pharmaceuticals
L.P.,**

Aventis Pharmaceuticals Inc.

Barr Laboratories, Inc.

Bayer Corp.

Ben Venue Laboratories, Inc.

Biovail Pharmaceuticals, Inc.

Boehringer Ingelheim Corp.

**Boehringer Ingelheim
Pharmaceuticals, Inc.**

Bristol-Myers Squibb Company

Dermik Laboratories, Inc.

Dey Inc.

Eisai, Inc.

Eli Lilly and Company

Endo Pharmaceuticals, Inc.

Ethex Corp.

Forest Laboratories, Inc.

Forest Pharmaceuticals, Inc.,

Fujisawa Healthcare, Inc.

Fujisawa USA, Inc.

Genzyme Corp.

Gilead Sciences, Inc.,

Glaxosmithkline PLC,

Hoffman-La Roche, Inc.

Immunex Corp.

Ivax Corp.

Ivax Pharmaceuticals, Inc.,

**Janssen Pharmaceutica
Products, LP**

Johnson & Johnson

McNeil-PPC, Inc.

King Pharmaceuticals, Inc.

Medimmune, Inc.,

Merck & Co., Inc.

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ATTORNEY TO BE NOTICED

Monarch Pharmaceuticals, Inc.

Mylan Laboratories, Inc.

Mylan Pharmaceuticals, Inc.

Novartis Pharmaceuticals Corp.

**Novo Nordisk Pharmaceuticals,
Inc.**

**Oncology Therapeutics Network
Corp.**

Organon USA

Ortho Biotech Products LP

**Ortho-McNeil Pharmaceutical,
Inc.**

Par Pharmaceutical, Inc.

Purdue Pharma L.P.

Purepac Pharmaceutical Co.

Reliant Pharmaceuticals

Roche Labs

Roxane Laboratories Inc.

Sandoz, Inc.

Sanofi-Synthelabo, Inc.,

Schein Pharmaceutical, Inc.

Scherling Plough Corp.

Serono, Inc.

Smithklinebeeckham Corp.
Glaxosmithkline

Takeda Pharmaceuticals North
America, Inc.

Tap Pharmaceutical Products,
Inc.

Teva Pharmaceutical Industries,
Ltd.

UDL Laboratories, Inc.

Warrick Pharmaceuticals
Corporation

Watson Pharmaceuticals, Inc.

Watson Pharma, Inc.

Wyeth

| Date Filed | # | Docket Text |
|-------------------|--------------------------|--|
| 08/04/2004 | <u>1</u> | COMPLAINT against Abbott Laboratories, Inc., Alcon Laboratories, Inc., Allergan, Inc., Alpharma, Inc., Amgen, Inc., Andrx Corp., Astrazeneca Pharmaceuticals L.P., Aventis Pharmaceuticals Inc., Barr Laboratories, Inc., Bayer Corp., Ben Venue Laboratories, Inc., Biovail Pharmaceuticals, Inc., Boehringer Ingelheim Corp., Boehringer Ingelheim Pharmaceuticals, Inc., Bristol-Myers Squibb Company, Dermik Laboratories, Inc., Dey Inc., Eisai, Inc., Eli Lilly and Company, Endo Pharmaceuticals, Inc., Ethex Corp., Forest Laboratories, Inc., Forest Pharmaceuticals, Inc., Fujisawa Healthcare, Inc., Fujisawa USA, Inc., Genzyme Corp., Gilead Sciences, Inc., Glaxosmithkline PLC., Hoffman-La Roche, Inc., Immunex Corp., Ivax Corp., Ivax Pharmaceuticals, |

| | | |
|------------|--------------------------|---|
| | | <p>Inc., Janssen Pharmaceutica Products, LP, Johnson & Johnson, King Pharmaceuticals, Inc., McNeil-PPC, Inc., Medimmune, Inc., Merck & Co., Inc., Monarch Pharmaceuticals, Inc., Mylan Laboratories, Inc., Mylan Pharmaceuticals, Inc., Novartis Pharmaceuticals Corp., Novo Nordisk Pharmaceuticals, Inc., Oncology Therapeutics Network Corp., Organon USA, Ortho Biotech Products LP, Ortho-McNeil Pharmaceutical, Inc., Par Pharmaceutical, Inc., Purdue Pharma L.P., Purepac Pharmaceutical Co., Reliant Pharmaceuticals, Roche Labs, Roxane Laboratories Inc., Sandoz, Inc., Sanofi-Synthelabo, Inc., Schein Pharmaceutical, Inc., Scherling Plough Corp., Serono, Inc., Smithklinebeeckham Corp. Glaxosmithkline, Takeda Pharmaceuticals North America, Inc., Tap Pharmaceutical Products, Inc., Teva Pharmaceutical Industries, Ltd., UDL Laboratories, Inc., Warrick Pharmaceuticals Corporation, Watson Pharma, Inc., Watson Pharmaceuticals, Inc., Wyeth. (Filing Fee \$ 150.00, Receipt Number 515948) Document filed by The City of New York.(jjm,) Additional attachment(s) added on 8/6/2004 (jjm,). (Entered: 08/06/2004)</p> |
| 08/04/2004 | | <p>Magistrate Judge Kevin N. Fox is so designated. (jjm,) (Entered: 08/06/2004)</p> |
| 08/04/2004 | | <p>Case Designated ECF. (jjm,) (Entered: 08/06/2004)</p> |
| 08/27/2004 | <u>2</u> | <p>ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge Kevin N. Fox for general pretrial. (Signed by Judge Barbara S. Jones on 8/26/04) (cd,) Modified on 9/7/2004 (ae,). (Entered: 08/27/2004)</p> |
| 09/01/2004 | <u>3</u> | <p>NOTICE of Appearance by John Michael Townsend on behalf of Merck & Co., Inc. (Townsend, John) (Entered: 09/01/2004)</p> |

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| 09/01/2004 | <u>4</u> | RULE 7.1 DISCLOSURE STATEMENT. Document filed by Merck & Co., Inc..(Townsend, John) (Entered: 09/01/2004) |
| 09/01/2004 | <u>5</u> | NOTICE of Appearance by Robert Bruce Funkhouser on behalf of Merck & Co., Inc. (Funkhouser, Robert) (Entered: 09/01/2004) |
| 09/10/2004 | <u>6</u> | STIPULATION AND ORDER, that the time to answer for all defts who have been served with process or have waived service of process, the time to answer shall be extended 60 days after the posting on Verilaw of Judge Saris' decision on the Suffolk defts' motion to dismiss the Suffolk Amended Complaint. (Signed by Judge Kevin Nathaniel Fox on 9/10/04) (cd,) (Entered: 09/13/2004) |
| 10/04/2004 | <u>7</u> | STIPULATION AND ORDER, that deft Organon's time to answer the complaint shall be extended until 60 days after the posting on Verilaw of Judge Saris' decision on the Suffolk County action. (Signed by Judge Kevin Nathaniel Fox on 9/17/04) (cd,) (Entered: 10/05/2004) |
| 11/23/2004 | <u>8</u> | CERTIFIED TRUE COPY OF CONDITIONAL MDL TRANSFER OUT ORDER FROM THE MDL PANEL...transferring the entire file case from the U.S.D.C. (S.D.N.Y) to the United States District Court - District of Massachusetts. (Signed by Judge MDL Panel on 9/24/04) (gf,) (Entered: 11/30/2004) |
| 11/23/2004 | | MDL TRANSFER OUT: Mailed certified copy of documents numbered 1-8, docket entries and transfer order along with letter of acknowledgment to the United States District Court - District of Massachusetts. Mailed via Federal Express AIRBILL # 8434 1350 4564 on 11/30/04. (gf,) (Entered: 11/30/2004) |
| 11/30/2004 | | Mailed letter to the United States District Court - |

District of Massachusetts acknowledging receipt of their entire file, a certified copy of the transfer order and docket entries. (gf,) (Entered: 11/30/2004)

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